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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ANTHONY LYNN COUCH SR.,

10 Plaintiff,

11 v.

12 RICK SCOTT, et al.,

13 Defendant.

CASE NO. 3:21-cv-05804-RSM-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO SHOW CONFLICT
AND DISCOVERY (DKT. 17)**

13 Plaintiff filed a motion to "show conflict with Defendant's Attorneys and a motion to
14 request Jail video, with all documents in the prosecutor's file that pertain to Plaintiff since
15 January 1, 2020." Dkt. 17. Plaintiff first moves to show Defendants' Counsel has a conflict
16 because counsel "may have gained legal work product from the Attorney General Office-
17 Governor Inslee." *Id.* Plaintiff claims he wrote a letter to the Attorney General that contains
18 "work-product" that he believes defense counsel has obtained. This claim lacks any support.
19 Plaintiff presents nothing showing defense counsel obtained this letter. Moreover, even if
20 defense counsel had obtained the letter, Plaintiff presents nothing showing the Attorney General
21 was Plaintiff's lawyer or even agreed to consider being Plaintiff's lawyer. As there is nothing
22 showing defense counsel obtained the letter or that there was an attorney-client relationship
23 between Plaintiff and the Attorney General, the motion to show conflict is DENIED.

1 Plaintiff also moves for discovery seeking "Jail footage from March 9, 2022 to March 10,
2 2022; all documents from the files of the prosecutor's office, sheriff's office, Jail and "D.t.F." all
3 of Plaintiff's work product and all emails, text messages, between August 1, 2020 to March 23,
4 2022 between Chief Davis, Ranee Farmer, Brittney Dggie, Jason F. Walker, Paul Logan, Jeremy
5 Homes, Rick Scott, Brad Johansson, and numerous other individuals. Plaintiff asks the Court to
6 order discovery for "reasons of corruption in the state."

7 The Court notes two of the three claims Plaintiff originally asserted have been dismissed.
8 The sole claim before the Court is the allegation Defendants Brad Johansson, undersheriff,
9 Travis Davis Chief Corrections Deputy, and Rick Scott, Sheriff, violated attorney-client privilege
10 by videotaping and recording conversations at the jail between Plaintiff and his criminal defense
11 lawyer, and by recording phone calls. Plaintiff's request for an order compelling discovery is
12 both premature and unfounded at this point.

13 First, Plaintiff fails to establish he has submitted proper discovery requests and that
14 Defendants have failed to respond. Second, Plaintiff fails to establish he has made any attempt to
15 meet and confer with defense counsel to address any purported discovery issue. And third, the
16 record shows as part of Plaintiff's criminal case, the state court conducted a hearing on whether
17 attorney-client privilege had been violated and whether the criminal case should be dismissed on
18 those grounds. The state court held a hearing on this matter that included witnesses from the jail
19 and ruled against Plaintiff. Discovery was thus already provided during state court proceedings
20 on the very issue that is the subject of the present lawsuit.

21 Accordingly, the Court finds and **ORDERS**:

- 22 (1) Plaintiff's motion to show conflict and to compel discovery, Dk. 17, is **DENIED**.
23 (2) The Clerk is directed to provide a copy of this order to the parties and to Chief Judge

1 Martinez.

2 DATED this 7th day of April, 2022.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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